

## **REMARKS**

### **Claim Amendments**

Claims 34, 35 and 39 have been amended herein and are now in independent form. Support for the amendments can be found in the claims as originally filed. Claim 44 has been canceled herein. Claim 49 has been added herein. Support for new Claim 49 can be found in Claim 36 as originally filed. No new matter has been added.

### **Rejection of Claims 34-37 and 45-48 Under 35 U.S.C. §112, Second Paragraph**

Claims 34-37 and 45-48 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim that subject matter which applicant regards as the invention.

Claims 34-37 and 45-48 were dependent on canceled Claims 1 or 3 which had been previously canceled. Claims 34, 35 and 45 have been amended herein to independent form thereby obviating the rejection. Reconsideration and withdrawal of the rejection are respectfully requested.

### **Rejection of Claim 44 Under 35 U.S.C. §112, First Paragraph**

Claim 44 is rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Claim 44 has been canceled herein, thus rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

### **Rejection of Claim 44 Under 35 U.S.C. §112, First Paragraph**

Claim 44 is rejected under 35 U.S.C. §112, first paragraph, because, according to the Examiner, the specification does not provide enablement for inhibition of cell proliferation using an antisense inhibitor of a histone deacetylase or DNA methyltransferase *in vivo* in a whole organism.

Claim 44 has been canceled herein, thus rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

Double Patenting

Claim 44 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-3, 6 and 11-34 of copending U.S. Application No. 09/420,692.

Claim 44 has been canceled herein, thus rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 44 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 42-48 of copending U.S. Application No. 10/051,819.

Claim 44 has been canceled herein, thus rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 44 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 37-39 of copending U.S. Application No. 10/052,390.

Claim 44 has been canceled herein, thus rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 44 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-8 and 11-50 of copending U.S. Application No. 10/145,493.

Claim 44 has been canceled herein, thus rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 44 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 21 and 22 of copending U.S. Application No. 09/563,728.

Claim 44 has been canceled herein, thus rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of Claim 44 Under 35 USC §102(b)

Claim 44 is rejected under 35 USC §102(b) as being anticipated by Jones *et al.* (Nature Genetics, Vol. 19, June 1998, pages 187-191).

Claim 44 has been canceled herein, thus rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection of Claim 44 Under 35 USC §102(b)

Claim 44 is rejected under 35 USC §102(b) as being anticipated by Nan *et al.*

Claim 44 has been canceled herein, thus rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

Provisional Rejection of Claim 44 Under 35 USC §102(e)

Claim 44 is rejected under 35 USC §102(e) as being anticipated by copending Application No. 09/420,692.

Claim 44 has been canceled herein, thus rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

Provisional Rejection of Claim 44 Under 35 USC §102(e)

Claim 44 is rejected under 35 USC §102(e) as being anticipated by copending Application No. 09/563,728.

Claim 44 has been canceled herein, thus rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

**CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

Dated:

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By



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